

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

THE BANK OF NEW YORK MELLON AS  
TRUSTEE FOR THE BENEFIT OF THE  
CERTIFICATE HOLDERS OF THE CWABS,  
INC., ASSET-BACKED CERTIFICATES,  
SERIES 2007-SD1 FKA THE BANK OF NEW  
YORK,

Plaintiff,

v.

KAREN D. SMITH, an individual; and all other  
persons, parties, or occupants unknown  
claiming any legal or equitable right, title,  
estate, lien, or interest in the real property  
described in the complaint herein, adverse to  
Plaintiff's title, or any cloud on Plaintiff's title  
to the Property, collectively designated as  
DOES 1 through 50, inclusive,

Defendant.

Case No.: 2:18-cv-00764-TSZ

DECLARATION OF VICENTE OMAR  
BARRAZA IN SUPPORT OF MOTION FOR  
ATTORNEYS' FEES

I, Vicente Omar Barraza, declare as follows:

I am one of the attorneys of record for the Defendant herein. I have personal knowledge  
of the facts as stated herein and if called upon to testify to the truth thereof, I could and would do  
so.

I am admitted to practice before the Supreme Court of the State of Washington and  
before the United States District Courts for the Western and Eastern Districts of Washington. I

1 also practice in the United States Bankruptcy Court. I have been in active private practice since  
2 May 17, 2011.

3 I earned a Bachelor's degree in Government/Public Policy Analysis at Pomona College in  
4 Claremont, California, a Master's in Public Administration at Seattle University, and my juris  
5 doctorate from Seattle University.

6 My practice primarily involves plaintiff's civil litigation in the areas of mortgage loan  
7 servicing, immigration, and bankruptcy. The majority of my clients speak Spanish as their  
8 primary language.

9 I am a member of the King County Bar Association, the American Immigration Lawyers  
10 Association, and the Latina/o Bar Association of Washington. I currently serve as the President  
11 of the Board of the Directors of Northwest Justice Project, Washington's primary publicly  
12 funded legal aid program which provides critical civil legal assistance and representation to  
13 thousands of low-income people in cases affecting basic human needs such as family safety and  
14 security, housing preservation, protection of income, access to health care, education and other  
15 basic needs. I also serve on the Board of Directors of the Touch of Love Foundation which  
16 provides financial assistance to empower poor families to obtain a basic education in India,  
17 Ghana, and the Dominican Republic. I previously served on the Board of Directors of the  
18 Tenants Union of Washington State and the Duwamish River Cleanup Coalition.

19 Prior to becoming an attorney in 2011, I dedicated myself to furthering civil rights and  
20 low-income housing while working for the King County Office of Civil Rights, the Seattle  
21 Housing Authority, and the Fair Housing Center of Washington.

22 I regularly present educational programs on housing and consumer-related topics. I  
23 conducted a training session in March of 2016 on the intersection of immigration and consumer  
24 issues for the First Annual Consumer Law Intensive CLE sponsored by the Washington State  
25 Association for Justice and Northwest Consumer Law Center. In July of 2015, I presented a one-  
26 hour CLE for the King County Bar Association Bankruptcy Law Section Meeting on the topic of

1 representing undocumented immigrants in bankruptcy. WSBA Real Property Probate and Trust  
2 Section invited to me present information on fair housing at its annual CLE in December of  
3 2014. Similarly, I conducted a CLE in December of 2012 for Northwest Justice Project attorneys  
4 on the topic of Assistance Animals.

5 Since becoming an attorney, I have been the lead or co-counsel 34 federal court cases and  
6 38 state court cases, not including cases filed with the United States Bankruptcy Court. Some  
7 cases of note include:

- 8 • Lucero v. Cenlar FSB, 2016 U.S. Dist. Lexis 10430, (W.D. Wash., January 28, 2016).  
9 Judgment Following Trial. Opinion by Honorable Judge Robert S. Lasnik. Judgment in  
10 favor of homeowner for \$213,888, including claim of outrage. Co-counsel with Ha Thu  
11 Dao. *See Seattle Times*, Lender must pay Bellevue homeowner \$213,000 for emotional  
12 distress, March 6, 2016. [https://www.seattletimes.com/seattle-news/lender-must-pay-](https://www.seattletimes.com/seattle-news/lender-must-pay-homeowner-213000-for-emotional-distress/)  
13 [homeowner-213000-for-emotional-distress/](https://www.seattletimes.com/seattle-news/lender-must-pay-homeowner-213000-for-emotional-distress/). *See also King 5 News*, March 4, 2016.  
14 [https://www.king5.com/article/news/local/investigations/213000-emotional-distress-](https://www.king5.com/article/news/local/investigations/213000-emotional-distress-judgment-against-lender/87737290)  
15 [judgment-against-lender/87737290](https://www.king5.com/article/news/local/investigations/213000-emotional-distress-judgment-against-lender/87737290)
- 16 • Schilling v. JPMorgan Chase & Co., 2017 U.S. Dist. Lexis 62856, 2017 WL 1479369,  
17 (W.D. Wash., April 25, 2017). Opinion by Honorable Judge Ricardo S. Martinez.  
18 Prevailed against Motion to Dismiss filed by bank involving settlement of \$190,950.89  
19 second lien deed of trust.
- 20 • King v. Bank of Am., N.A., 2015 U.S. Dist. Lexis 188909, 2015 WL 12930129, (W.D.  
21 Wash., December 28, 2015). Opinion by Honorable Judge Thomas S. Zilly. Survived  
22 Motion to Dismiss wrongful foreclosure and Consumer Protection Act claims. Co-  
23 counsel with Ha Thu Dao. *See King 5 News Investigations* by Chris Ingell, September  
24 21, 2016. [https://www.king5.com/article/news/local/investigations/lawsuits-claim-banks-](https://www.king5.com/article/news/local/investigations/lawsuits-claim-banks-failing-to-honor-loan-modifications/323239153)  
25 [failing-to-honor-loan-modifications/323239153](https://www.king5.com/article/news/local/investigations/lawsuits-claim-banks-failing-to-honor-loan-modifications/323239153)
- 26 • Timlick v. Bank of Am., 2017 U.S. Dist. Lexis 76806 (W.D. Wash., May 18, 2017).  
Opinion by Honorable Judge Benjamin H. Settle. Order Granting in part and denying in  
part defendants' motion to dismiss and granting Plaintiff's Motion for Leave to Amend.  
*See also Timlick v. Bank of Am., NA*, 2017 U.S. Dist. LEXIS 7018 (W.D. Wash.,  
January 17, 2017). Co-counsel.
- Tran v. Bank of Am., N.A., 2012 U.S. Dist. Lexis 157165 (W.D. Wash., November 1,  
2012). Opinion by Honorable Judge Ronald B. Leighton. Survived Motion to Dismiss  
Plaintiffs' claims for negligent misrepresentation and violation of the Consumer  
Protection Act. Co-counsel with Timothy T. Tran and Ha Thu Dao. *See also Tran v.*  
Bank of Am. NA, 2014 U.S. Dist. Lexis 71464 (W.D. Wash., May 23, 2014).



Date	Quantity	Price	Total	By	Note
10/30/2018	2	\$0.00	\$0.00	Atty VOB	Prepared fee motion and declarations
10/19/2018	0.2	\$125.00	\$25.00	Paralegal	Client Teleconference re Order
10/17/2018	0.3	\$325.00	\$97.50	Atty VOB	Review Order granting motion to dismiss and discuss with co-counsel
8/31/2018	0.6	\$325.00	\$195.00	Atty VOB	Review, edit, and return draft reply to MTD to C Henry
8/24/2018	0.5	\$325.00	\$162.50	Atty VOB	Review response and declaration to motion to dismiss. Discuss with CH
8/20/2018	0.2	\$325.00	\$65.00	Atty VOB	Review initial disclosures
8/13/2018	1	\$325.00	\$325.00	Atty VOB	Conduct status conference with opposing and co-counsel. Review JSR and review multiple emails back and forth reviewing draft JSR.
8/13/2018	0.1	\$0.00	\$0.00	Atty VOB	Confirmed filing of JSR
8/13/2018	0.1	\$125.00	\$12.50	Paralegal	Email from court resetting deadlines
8/10/2018	0.2	\$125.00	\$25.00	Paralegal	Multiple emails among all counsel re JSR
8/7/2018	0.1	\$0.00	\$0.00	Atty VOB	Motion to Dismiss for Failure to State a Claim - filed
8/6/2018	1	\$325.00	\$325.00	Atty VOB	Review and suggest edits on Motion to Dismiss for Failure to State a Claim
8/6/2018	0.4	\$0.00	\$0.00	Paralegal	Reviewed and suggested edits to Motion to Dismiss for Failure to State a Claim
7/31/2018	0.2	\$0.00	\$0.00	Paralegal	Download and save Notice to Appear
7/27/2018	0.1	\$325.00	\$32.50	Atty VOB	Receive and review Corp Disclosure Statement
7/27/2018	0.1	\$325.00	\$32.50	Atty VOB	Receive and review Notice of Appearance by attorney Grant Ervin Courtney
7/26/2018	0.3	\$325.00	\$97.50	Atty VOB	Emails among counsel re FRCP 26 conference
7/23/2018	0.1	\$125.00	\$12.50	Paralegal	Email from court resetting deadlines

Date	Quantity	Price	Total	By	Note
6/12/2018	1.5	\$125.00	\$187.50	Paralegal	Download and save all available recorded documents from King County Recorder
6/12/2018	0.2	\$125.00	\$25.00	Paralegal	mailed NOA to OC and client
6/12/2018	1	\$0.00	\$0.00	Atty VOB	review and suggest edits to motion to discharge; ultimately did not file
6/12/2018	0.1	\$325.00	\$32.50	Atty VOB	Email O/C re my NTA
6/12/2018	0.3	\$325.00	\$97.50	Atty VOB	prepare and file notice of appearance
6/7/2018	0.1	\$325.00	\$32.50	Atty VOB	Review ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT, AND EARLY SETTLEMENT
5/28/2018	0	\$325.00	\$0.00	Atty VOB	Received confirmation of removal
5/28/2018	0.2	\$125.00	\$25.00	Paralegal	Download and save removal docs
5/27/2018	0.5	\$325.00	\$162.50	Atty VOB	Receive and review draft removal pleadings
Total			\$1,970.00		